AN ORDINANCE AGAINST CHALLENGES, DUELLS, AND ALL PROVOCATIONS thereunto.

Thursday June 29. 1654.

ORdered by his Highneſs the Lord Protector, and His Council, That this Ordinance be forthwith Printed and Publiſhed.

Henry Scobel, Clerk of the Council.

London, Printed by *William du-Gard* and *Henry Hills*, Printers to His Highneſs the Lord Protector. MDCLIV.

ORDINANCE

CHALLENGES, DUELS, PROVOCATIONS

ORdained by his Highneſs the Lord Protector, and His Council, The ſaid Ordinance be forthwith Printed and publiſhed.

Henry Scobell Clerk of the Council.

London, Printed by William du-Gard and Henry Hills, Printers to His Highneſs the Lord Protector. M DC LIV.

AN ORDINANCE AGAINST Challenges, Duells, and all provocations thereunto.

WHereas the fighting of Duels upon private Quarrels is a thing in it self displeasing to God, unbecoming Christians, and contrary to all good order and government; And forasmuch as the same is a growing evil in this Nation, for preventing whereof there is a present necessity of some more severe Law then hither-

to hath been made in that behalf; Be it therefore Ordained by His Highnels the Lord Protector of the Common-Wealth of England, Scotland and Ireland, &c. by and with the advice and consent of his Council, That if any person or persons of what degree or quality soever within this Common-Wealth, shall from and after the first day of July next ensuing, by Message, Word, Writing, or any other Way, either Challenge or cause to be Challenged any other person to fight any Combate or Duel, or shall accept any such Challenge; every such person who shall make, send, or accept any such Challenge, and every person who shall knowingly carry the same, shall be committed to Prison, without Bail or Mainprize, there to remain for the space of six Moneths next after his Commitment, and from thence until the next General Quarter Sessions of the Peace, or General Assize and Goal-delivery to be held for that County, City or Town Corporate, where before his Enlargement out of Prison, he shall enter into Recognizance with two or more sufficient Suretyes, such as the Court shall approve, to be of the good Behaviour during the space of one Whole year then next ensuing.

And it is further Ordained by the Authority aforesaid, That if any person so challenged, as aforesaid, do not within four and twenty hours after, make discovery thereof to some Justice of the Peace, the same shall be accounted an acceptance of a Challenge within the intention of this Ordinance.

And it is further Ordained by the Authority aforesaid, That if any person or persons shall

shall from and after the publication hereof, actually fight any Duell or Combate, whereupon death shall ensue, the same shall be deemed, adjudged and taken to be Murder. And if any person or persons shall from and after the time aforesaid, actually fight any Duel or Combate, upon any such preceding Challenge or appointment as aforesaid, (although death ensue not thereupon) or shall as Second, or otherwaies knowingly accompany, or assist any such person; the Judge or Justices of Peace before whom such Offender shall be convicted shall pronounce Judgement against all and every such Offender and Offenders to be banished during life out of this Common-wealth, and shall by their said Judgement appoint the time for such Offenders departure (which shall not exceed one Moneth after such Conviction) and also assign the Port from whence he shall go; and if any such Offender shall at any time after such day limited be taken within this Common-wealth, he shall be adjudged as a Felon, & suffer death accordingly. And to prevent all occasions of Challenges and Quarrels, Be it further Ordained by the Authority aforesaid, That any person or persons hereafter using any disgraceful, provoking words or gestures, shall be lyable to an Indictment at the Gaol-delivery or General Sessions of the Peace; and if such person or persons shall be found guilty, the Judge or Justice of Peace shall cause him or them to be bound to his or their good behavior, and shall likewise impose a fine upon him or them for such offence, to be levied to the use of his Highness the Lord Protector, and his Successors;

killed in Duell murther.

In duel altho[illegible] none killed to [illegible] banished during life; after second & o[illegible]

if after ban[illegible] returned fel[illegible] &c

provoking [illegible] or gestures [illegible] fundable [illegible] good behavi[illegible]

And also to make reparation to the party wronged, as to the said Judge or Justices shall seem meet, upon consideration had, both of the quality of the person injured, and the offence committed: And if any person shall refuse to give obedience to the Sentence of the Judge or Justices herein, such person shall be committed to the house of Correction, there to remain until he shall perform the same.

And be it further Ordained that all Sheriffs, Constables, and other Ministers of Justice, and all other persons whatsoever, that shall have any knowledge or notice of the intent or purpose of any persons whatsoever to fight any Duell or that any Challenge is made or sent or intended to be made or sent to that purpose, or shall see or perceive any persons fighting such Duel, shall forthwith apprehend or cause to be apprehended such persons faulty as aforesaid, and cause them to be brought before some Justice of the Peace of the County, City, or Town Corporate where the said offence shall be committed, who are hereby authorized and required, if upon examination they find the said parties to be faulty, to bind the said Offenders (as also the witnesses) by Recognizance to appear at the next General Goal delivery or quarter Sessions, to be held for the said County, City, or Town Corporate, to be proceeded against, and in the mean space to keep the peace; And if any Officer or Minister of Justice or other person shall fail to apprehend such Offenders, or else if upon their utmost endevors, they are not able to apprehend them, if they shall fail to make known the said persons to some Justice of Peace, that then each Person so failing to do his duty as abovesaid, shall forfeit

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ten pounds of lawful English money to be levied of his Goods and Chattles by distress and sale thereof rendring the over plus to the owner thereof, for the use of the Poor of the Parish where such offence is committed; And the like Law and Punishment shall be for partie challenging, or accepting any Challenge in any part of this Commonwealth, and thereupon fighting in any other place, as if the Fact had been done within this Commonwealth of England, And the Tryalls and Judgement upon this Ordinance may be had either at the Goal-delivery or at the General Sessions.

And it is lastly Ordained, That no Certiorari shall be hereafter allowed to remove any such Indictment as aforesaid.

Thursday June 29. 1654.

ORdered by his Highness the Lord Protector, and His Council, That this Ordinance be forthwith Printed and Published.

Henry Scobell, Clerk of the Council.